

MASHANTUCKET PEQUOT TRIBAL COUNCIL

May 2023

RESOLUTION POSTING REPORT

TRIBAL COUNCIL RESOLUTIONS

TCR050423-01 of 01 through TCR052523-06 of 06 (5 pages)

Distributed by:

Office of Matthew A. Pearson, Secretary

Pursuant to TCR031897-01 of 09

Prepared by: Ann Marie Eleazer, Assistant Director of Legislative Operations

[Recorder's Note: Per TCR081414-03 of 15, FIP, LRA and 14-day waiver language have been removed from Tribal Council Resolutions moving forward.]

**May 2023 Resolution Posting Report for distribution to Membership
On www.Pequotathome.net of Mashantucket Pequot Tribal Council**
[Original Resolutions are located in the Tribal Clerk's Office]

PLEASE NOTE:

1) Tribal Council Regular, Special, Strategic Meeting, E-Mail or Conference Call Votes

In some instances, a Tribal Council Member may have been in attendance at a meeting, but was not present at the time the vote was taken.

2) Zero (0) Executive Resolutions were approved during this Resolution Summary Report period.

[Recorder's Note: Attachments referred to within these resolutions are attached to the original Resolution, but are not attached to this Resolution Summary Report.]

[Please note the following standard four WHEREAS Clauses are contained within every Resolution]:

The Mashantucket Pequot Tribe (the "Tribe") also known as the Mashantucket Pequot Tribal Nation (the "Tribe") is a federally-recognized, Indian Tribe; and

The Mashantucket Pequot Tribal Council (the "Council") is the duly-authorized Governing Body of the Tribe pursuant to the Constitution and By-Laws of the Tribe, and is a federally-recognized, Indian Tribal Government; and

The Mission Statement of the Mashantucket Pequot Tribal Nation pursuant to TCR022499-01 states, "...the ultimate goal is to protect and advance the Sovereign Rights of the Tribal Nation in order to build and preserve a cultural, social and economic foundation that can never be undermined or destroyed."; and

The Mission Statement of the Tribal Council, as amended pursuant to TCR011410-03, is to preserve, protect and advance the Mission Statement of the Tribe for the benefit of the Mashantucket Pequot Tribal Nation; and

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050423TCM

Call to Order: 9:35 a.m.

TRIBAL COUNCIL MEETING ATTENDANCE:

Present: Butler, Cluff, Pearson, Whipple, Scott

Present/Tardy: Reels (Excused-10:41 a.m.)

Absent: Menihan (Excused)

TCR050423-01 of 01-Approves the Amended MPTN Designated Repair Home Loan Program, Including the Change of the Name of the Program to MPTN Home Modification/Repair Loan Program (Amends TCR121219-06 of 10, TCR110520-01 of 07, TCR032422-06 of 10 and TCR121522-03 of 07). [Vote: 7 NUKS (YES) (Butler, Cluff, Pearson, Reels, Menihan, Whipple, Scott)]. **WHEREAS**, TCR121219-06 of 10 approved the Amended Mashantucket Pequot Tribal Nation (MPTN) Designated Home Repair Loan Program, which was amended by TCR110520-01 of 07 and TCR032422-06 of 10 (the “Home Repair Loan Program”) to allow all qualifying Tribal Members to participate; and **WHEREAS**, TCR121522-03 of 03 amended the Designated Repair Home Loan Program to approve additional changes to the MPTN Designated Repair Loan Program, including increasing the maximum amount of the Home Repair Loan from \$20,000.00 to \$30,000.00, and streamlining the loan process for the benefit of the Tribal Member applicants; and **WHEREAS**, the MPTN Department of Housing (“DOH”) in collaboration with the MPTN Financial Councilor has made recommended changes to the MPTN Designated Repair Program per the Tribal Council Action Item. and that the Tribal Council approve changing the name of the MPTN Home Repair Loan Program to the MPTN Home Modification/Repair Loan Program and further recommended revisions noted in the attached redline MPTN Home Modification/Repair Loan Program (previously known as MPTN Designated Repair Loan Program) (*Exhibit A*), and the MPTN Home Modification/Repair Loan Program Addendum, previously known as the MPTN Designated Repair Loan Program Addendum (*Exhibit B*), including increasing the interest rate to four percent (4%). **THEREFORE, BE IT RESOLVED**, that the Tribal Council hereby approves the DOH, and the MPTN Financial Councilor’s recommendation to approve the change of name of the Program to the MPTN Home Modification/Repair Loan Program and further approves the Amended MPTN Home Modification/Repair Loan Program, (*Exhibit A*), and the MPTN Home Modification/Repair Loan Program Addendum, (*Exhibit B*), including increasing the interest rate to four percent (4%).

051623REGMTG (NO RESOLUTIONS WERE ADOPTED)

Call to Order: 1:09 p.m.

TRIBAL COUNCIL MEETING ATTENDANCE:

Present: Butler, Cluff, Pearson, Reels, Menihan, Whipple, Scott

051823TCM (NO RESOLUTIONS WERE ADOPTED)

Call to Order: 9:09 a.m.

TRIBAL COUNCIL MEETING ATTENDANCE:

Present: Butler, Pearson, Menihan, Whipple, Scott

Absent: Cluff (Excused) and Reels (Excused)

052523TCM

Call to Order: 9:10 a.m.

TRIBAL COUNCIL MEETING ATTENDANCE:

Present: Butler, Pearson, Menihan, Whipple

Absent: Cluff (Excused), Reels (Excused) and Scott (Excused)

TCR052523-01 of 06-Approves the Removal of All Non-Impact Rated Wooden Guardrails on the Resort and Reservation and Replaces with Flex-beam Guardrails (Ratifies PSC042123-01 of 01). [Vote: 5 YES (Butler, Cluff, Pearson, Menihan, Whipple) 2 ABSENT (Reels and Scott)]. **WHEREAS**, the Public Safety Committee (PSC) recommends to the Tribal Council the removal of all non-impact wooden guardrails and approves the replacement with Flex-beam Guardrails (*Exhibits A & B*); and **WHEREAS**, with the exception of Lake of Isles (LOI) & Rainmaker Garage (entrance and Exit ramps), the wooden guardrails that were originally installed around the Resort and Reservation are non-impact

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rated, causing potential safety and lawsuit hazards; and **WHEREAS**, Keith Gove, is in the process of working towards replacing the wooden guardrails on the Reservation with Flex-beam Guardrails, with funding through the Federal Highway/BIA Grant; and **WHEREAS**, the first roadways to have the Flex-beam Guardrails installed will be Copperhead Path, part of Kate Swamp and a small section on Fox Trail; and **WHEREAS**, Copperhead Path, Kate Swamp, and the Community Center – road only (not parking lot) will be federally funded by the Federal Highways/BIA Grant; and **WHEREAS**, Keith Gove has allocated \$75,000.00 per year in the budget to upgrade all wooden guardrails on the Reservation to Flex-beam; and **WHEREAS**, the following non-impact rated wooden guardrails will need to be funded by the Tribal Government: Community Center Parking Lot, Museum - Entrance and Main Parking Lot, IHS - separate parking lot from Foxwoods Blvd; and **WHEREAS**, the following locations for Flex-bean Guardrail replacement will need to be funded by the Enterprise: Two Trees - Entrance, Rear Lot & Front of Building; Great Cedar Garage - Upper & Lower Entrances, & West Side by Employee Entrance; Grand Pequot Blvd. – Right side going under Tanger; and Pequot Trail – under Tanger. **THEREFORE, BE IT RESOLVED**, Tribal Council hereby approves the removal of all non-impact wooden guardrails and approves the replacement with Flex-beam Guardrails (*Exhibit A*). **BE IT FINALLY RESOLVED**, Tribal Council directs MPTN Finance and MPGE Finance to identify and cover the funding of the cost not included within Federal Highway/BIA Grant.

TCR052523-02 of 06-Amendment to the Community Center Access Policy (Amends TCR071912-01, TCR041113-01 and TCR111413-06). *[Vote: 5 YES (Butler, Cluff, Pearson, Menihan, Whipple) 2 ABSENT (Reels and Scott)].* **WHEREAS**, the Council, via TCR071912-01, adopted a Community Center Access Policy and later amended via TCR041113-01 of 03, and further amended via TCR111413-06 of 17; and **WHEREAS**, it is the desire of the Tribal Council to further amend the Community Center Access Policy (*Exhibit A*); and **WHEREAS**, it is the desire of the Tribal Council to align the badge replacement fee schedule and access card fee schedule with that of MPGE's Badge Fee Schedule (*Exhibit B*). **THEREFORE, BE IT RESOLVED**, the Tribal Council hereby amends the Community Center Access Policy (*Exhibit A*). **BE IT FURTHER RESOLVED**, the Tribal Council hereby approves the Badge and Access Card Replacement Fee Schedule (*Exhibit B*). **BE IT FINALLY RESOLVED**, notice of this amendment to the Community Center Access Policy, Badge and Access Card Replacement Fee Schedule shall be sent to the Tribal Membership and Tribal Clerk by the Chief of Staff's (COS's) Office within 30 days from the date of enactment of this resolution.

TCR052523-03 of 06-Re-Appointment of Kimberly Shockley as a Committee Member of the Education Committee for an Additional Two-Year Term (Ratifies ECR041323-01). *[Vote: 5 YES (Butler, Cluff, Pearson, Menihan, Whipple) 2 ABSENT (Reels and Scott)].* **WHEREAS**, the Mashantucket Pequot Education Committee ("the Committee") is a duly-authorized standing committee of the Mashantucket Pequot Tribal Nation; and **WHEREAS**, the Mission Statement of the Education Committee as approved by TCR071106-01: *The Mission Statement of the Education Committee is to provide an observational overview by monitoring policies and procedures of educational programs, and forwarding recommendations to Tribal Council in a manner that creates a fair and equal opportunity for Tribal Members and their families to educationally prosper, in accordance with the Tribal Mission Statement.*; and **WHEREAS**, Kimberly's term expired on March 25, 2023; and **WHEREAS**, the Education Committee feels that Kimberly has been a valuable asset to the Committee due to her educational background and certifications, including her area of focus in Special Education; and **WHEREAS**; it is the desire of the Education Committee to renew Kimberly's term as she has served diligently and fairly in meeting the needs of the Education Committee. **THEREFORE BE IT RESOLVED**, the Tribal Council hereby ratifies ECR041323-01 re-appoints Kimberly Shockley as a Committee Member to the Education Committee for an additional two-year term.

TCR052523-04 of 06-Approves the Revisions of the MPTN Credit P-Cards Policy (Amends TCR051018-03 of 03). *[Vote: 4 YES (Butler, Cluff, Pearson, Whipple) 1 MATA (NO) (Menihan) 2 ABSENT (Reels and Scott)].* **WHEREAS**, by the passing of TCR010809-08 of 11, Tribal Council, *"in an effort to further reduce unnecessary spending in these uncertain economic times, and to encourage accountability, the 11/IPTN corporate American Express card should be eliminated as of February 1, 2009"*; and **WHEREAS**, it has come to Tribal Council's attention that individual employees have been forced to use their personal credit cards when purchasing business critical items with vendors that will accept an Mashantucket Pequot Tribal Nation (MPTN) Purchase Order and do not have alternate methods of receiving payment and only accept credit card payments; and **WHEREAS**, the use of individual credit cards has occasionally placed employees in a difficult position, sometimes preventing them from using their card for personal needs due to the card limit being maxed out; and **WHEREAS**, use of personal credit cards for MPTN business, puts undue financial liability onto the individual employee. **WHEREAS**, per TCR051018-03 of 03, Tribal Council approved the MPTN Credit P-Card Policy; and **WHEREAS**, Tribal

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Council directed Finance to recommend updates to the AMEX Card Policy. **THEREFORE BE IT RESOLVED**, Tribal Council approves the recommended updates by Finance, hereto attached Credit P – Card Program Policies and Procedures (*Exhibit A*) and the MPTN AMEX P-Card Monthly Reconciliation Report (*Exhibit B*). **BE IT FINALLY RESOLVED**, Tribal Council directs the MPTN Credit Card Policy shall take effect upon passage of this resolution.

TCR052523-05 of 06-Approves Limited Waiver of Sovereign Immunity for 2023 Climate Smart

Farming: Agriculture & Forestry Grant. *[Vote: 5 YES (Butler, Cluff, Pearson, Menihan, Whipple) 2 ABSENT (Reels and Scott)].* **WHEREAS**, the Mashantucket Pequot Tribal Nation (MPTN) Department of Agriculture has been awarded \$105,000.00 in funds from the Connecticut Department of Agriculture's 2023 Climate Smart Farming: Agriculture and Forestry (CSAF) Grant; and **WHEREAS**, the MPTN Department of Agriculture intends to use these funds for to purchase a no-till tractor attachment to be used at the Meechooôk Farm; and **WHEREAS**, pursuant to Section 23 of the CSAF Grant Terms, attached as *Exhibit A*, the CSAF grant requires the Tribe waive its sovereign immunity and consent to the jurisdiction of the Connecticut State Court (Judicial District of Hartford) and the United States District Court for the District of Connecticut. **THEREFORE BE IT RESOLVED**, the Council hereby grants a limited waiver of sovereign immunity to the State of Connecticut for claims arising out of or relating to the CSAF Grant Contract brought in the Connecticut State Court (Judicial District of Hartford) or the United States District Court for the District of Connecticut. **BE IT FINALLY RESOLVED**, the Council hereby directs and authorizes the Council Chair, Council Vice-Chair, or their designee, to finalize and execute the CSAF Grant on behalf of the Tribe, and to take such other actions as are deemed necessary or appropriate to effectuate the terms of the grant.

TCR052523-06 of 06-Amends Mashantucket Pequot Tribal Nation Minimum Wage (Revises

TCR102022-10 of 12). *[Vote: 5 YES (Butler, Cluff, Pearson, Menihan, Whipple) 2 ABSENT (Reels and Scott)].* **WHEREAS**, per TCR092420-06 of 07, the Council raised the minimum wage for employees of the Mashantucket Pequot Tribal Nation (MPTN) and the Mashantucket Pequot Gaming Enterprise (MPGE) to \$13.50 per hour effective August 1, 2021; and **WHEREAS**, per TCR102022-10 of 12, the Council further raised the minimum wage for employees of the Mashantucket Pequot Tribal Nation and the Mashantucket Pequot Gaming Enterprise to \$14.50 per hour to be effective May 1, 2022; and **WHEREAS**, the minimum wage increases did not apply to tipped positions, student workers and other non-hourly occupations; and **WHEREAS**, in a continuing effort to provide a competitive living wage for our employees and to remain appealing to those seeking employment, the Council believes the minimum wage for all employees working for the Mashantucket Pequot Tribal Nation and the Mashantucket Pequot Gaming Enterprise should be increased to \$15.00 per hour and; and **WHEREAS**, this minimum wage increase shall not apply to certain full-time students, student learners, apprentices and tipped employees. **THEREFORE, BE IT RESOLVED**, the Tribal Council does hereby raise the minimum wage for employees of the Mashantucket Pequot Tribal Nation including the Mashantucket Pequot Gaming Enterprise to \$15.00 per hour effective June 1, 2023. **BE IT FINALLY RESOLVED**, certain full-time students, student learners, apprentices and tipped employees may be paid wages less than the Tribe's minimum wage provided certain conditions are met.